

Panaji, 17th November, 2016 (Kartika 26, 1938)

SERIES II No. 33

OFFICIAL GAZETTE

GOVERNMENT OF GOA

PUBLISHED BY AUTHORITY

GOVERNMENT OF GOA

Department of Fisheries

Directorate of Fisheries

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Order

No. DF/ADMN/FILL/SOF/B/BP/FFRBP/11/4174

On the recommendation of the Goa Public Service Commission vide their letter No. COM/II/11/20(2)/2016/1191 dated 25-10-2016, the Government of Goa is pleased to convey extension of ad hoc promotion in respect of Smt. Megha S. Kerkar, Suptd. of Fisheries, for the interim period of 179 days w.e.f. 20-02-2016 to 16-08-2016.

By order and in the name of the Governor of Goa.

Dr. *Shamila Monteiro*, Director & ex officio Joint Secretary (Fisheries).

Panaji, 4th November, 2016.

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Department of Home

Home—General Division

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Order

No. 1/68/2015-HD(G)/3495

Government of Goa is pleased to appoint Shri Sunil Kumar Pancholly as Police Prosecutor on contract basis, beyond the date of his superannuation i.e. from 31-03-2016 or from the date of his joining the services, for an initial period of one year or till the post is filled on regular basis, whichever is earlier on a fixed monthly remuneration of Rs. 30,000/- per month subject to availability of funds, adherence of Rules in force and in compliance of instructions contained in the Personnel Department's O.M. No. 10/1/77-PER dated 24-06-2015.

The Police Department shall execute the agreement with Shri Sunil Kumar Pancholly on his appointment against the above mentioned post.

This issues with the approval of the Cabinet in its XXXXIst Cabinet meeting held on 28-10-2016 and the concurrence of Finance (Rev. & Cont.) Department vide their U.O. No. 1400022167/F dated 02-09-2016.

By order and in the name of the Governor of Goa.

Rohan J. Kaskar, Under Secretary (Home).

Porvorim, 4th November, 2016.

Department of General Administration

Notification

No. 2/1/2016-GAD-H

The Government of Goa is pleased to direct that the days specified in the Annexure-I shall be observed as Public Holidays and the days specified in the Annexure-II as Special Holidays in all Government Offices in the State of Goa during the year 2017 (Saka 1938-1939). All Government Offices will be functional on Special Holidays except if the Special Holidays occur on Saturday or Sunday.

2. In addition to the Holidays specified in Annexure-I and Annexure-II, employees are permitted to avail of any two holidays from the list of Restricted Holidays specified in Annexure-III for the year 2017.

3. The Government is also pleased to declare Commercial and Industrial Holidays for the Commercial and Industrial Workers in Goa as specified in Annexure-IV for the year 2017.

4. Further, in exercise of the powers conferred under explanation to Section 25 of the Negotiable Instruments Act, 1881 (Act 26 of 1881) read with Government of India, Ministry of Home Affairs, New Delhi vide Notification No. U.11030/2/73-UTL dated 28-6-1973, the Government of Goa is also pleased to declare the days specified in Annexure-V as Bank Holidays in the State of Goa for the year 2017.

By order and in the name of the Governor of Goa.

Trupti B. Manerkar, Under Secretary (GA-I).

Porvorim, 9th November, 2016.

ANNEXURE-I

List of Public Holidays for the Year 2017

Sr. No.	Holidays	Date	Saka	Days of the week
1	2	3	4	5
1.	Republic Day	January, 26	Magha, 06	Thursday
2.	Holi	March, 13	Phalguna, 22	Monday
3.	Gudi Padava	March, 28	Chaitra, 07	Tuesday
4.	Good Friday	April, 14	Chaitra, 24	Friday
5.	Birth Anniversary of Dr. Babasaheb Ambedkar	April, 14	Chaitra, 24	Friday
6.	May Day	May, 01	Vaisakha, 11	Monday
7.	Id-UL-Fitr*	June, 26	Ashadha, 05	Monday
8.	Independence Day	August, 15	Sravana, 24	Tuesday
9.	Ganesh Chaturthi (1st Day)	August, 25	Bhadra, 03	Friday
10.	Ganesh Chaturthi (2nd Day)	August, 26	Bhadra, 04	Saturday
11.	Id-UL-Zuha (Bakri Id)*	September, 02	Bhadra, 11	Saturday
12.	Dussehra (Vijaya Dashmi)	September, 30	Asvina, 08	Saturday
13.	Gandhi Jayanti	October, 02	Asvina, 10	Monday
14.	Diwali	October, 18	Asvina, 26	Wednesday
15.	Feast of St. Francis Xavier	December, 04	Agrahayana, 13	Monday
16.	Goa Liberation Day	December, 19	Agrahayana, 28	Tuesday
17.	Christmas Day	December, 25	Pausa, 04	Monday

* The Holidays mentioned at Sr. Nos. 7 & 11 are subject to appearance of moon.

ANNEXURE-II

List of Special Holidays for the Year 2017

Sr. No.	Holidays	Date	Saka	Days of the week
1.	Mahashivratri	February, 24	Phalguna, 05	Friday
2.	Milad-Un-Nabi or Id-e-Milad (Birthday of Prophet Md.)	December, 02	Agrahayana, 11	Saturday

N.B.:-

1. Special Holiday at Sr. No. 1 applied shall be necessarily sanctioned. In case where employees do not avail of the Special Holiday on the designated day, the holiday may be availed of on any working day during the calendar year 2017 only.
2. Special Holiday at Sr. No. 2 falls on Saturday as such request for Special Holiday on this day or in lieu of this does not arise.
3. Special Holiday mentioned at Sr. No. 2 is subject to appearance of moon.
4. Special Holiday can be prefixed or suffixed to the leave.

ANNEXURE-III

List of Restricted Holidays for the Year 2017

Sr. No.	Holidays	Date	Saka	Days of the week
1	2	3	4	5
1.	New Year Day	January, 01	Pausa, 11	Sunday
2.	Makarsankranti	January, 14	Pausa, 24	Saturday
3.	Guru Ravi Das Birthday	February, 10	Magha, 21	Friday
4.	Shivaji Jayanti	February, 19	Magha, 30	Sunday
5.	Ram Navami	April, 04	Chaitra, 14	Tuesday
6.	Mahavir Jayanti	April, 09	Chaitra, 19	Sunday
7.	Maundy Thursday	April, 13	Chaitra, 23	Thursday
8.	Vaisakhi	April, 13	Chaitra, 23	Thursday
9.	Vishu	April, 13	Chaitra, 23	Thursday
10.	Budha Purnima	May, 10	Vaisakha, 20	Wednesday
11.	Feast of Sacred Heart of Jesus	June, 23	Ashadha, 02	Friday
12.	Raksha Bandhan	August, 07	Sravana, 16	Monday
13.	Janmashtami	August, 14	Sravana, 23	Monday
14.	Hartalika	August, 24	Bhadra, 02	Thursday
15.	Onam	September, 04	Bhadra, 13	Monday
16.	Muharam	October, 02	Asvina, 10	Monday
17.	Govardhan Puja	October, 20	Asvina, 28	Friday
18.	Bhaubij	October, 21	Asvina, 29	Saturday
19.	All Souls Day	November, 02	Kartika, 11	Thursday
20.	Guru Nanak's Birthday	November, 04	Kartika, 13	Saturday
21.	Guru Teg Bahadur Martyrdom Day	November, 24	Agrahayana, 03	Friday
22.	Feast of Immaculate Conception	December, 08	Agrahayana, 17	Friday
23.	Christmas Eve	December, 24	Pausa, 03	Sunday
24.	New Year's Eve	December, 31	Pausa, 10	Sunday

ANNEXURE-IV

List of Commercial & Industrial Holidays for the Year 2017

Sr. No.	Holidays	Date	Saka	Days of the week
1	2	3	4	5
1.	Republic Day	January, 26	Magha, 06	Thursday
2.	Birth Anniversary of Dr. Babasaheb Ambedkar	April, 14	Chaitra, 24	Friday
3.	May Day	May, 01	Vaisakha, 11	Monday
4.	Independence Day	August, 15	Sravana, 24	Tuesday
5.	Ganesh Chaturthi (1st day)	August, 25	Bhadra, 03	Friday
6.	Gandhi Jayanti	October, 02	Asvina, 10	Monday
7.	Diwali	October, 18	Asvina, 26	Wednesday
8.	Goa Liberation Day	December, 19	Agrahayana, 28	Tuesday
9.	Christmas Day	December, 25	Pausa, 04	Monday

According to the decision communicated by Government of India, Ministry of Finance in Memorandum No. F. 8 (7) EST (SPI) dated 7th November, 1963 casual employees including daily rated staff will be entitled to paid holidays if they are in service on the preceding and succeeding working days.

ANNEXURE-V

List of Bank Holidays for the Year 2017

Sr. No.	Holidays	Date	Saka	Days of the week
1	2	3	4	5
1.	Republic Day	January, 26	Magha, 06	Thursday
2.	Holi	March, 13	Phalguna, 22	Monday
3.	Gudi Padava	March, 28	Chaitra, 07	Tuesday
4.	Yearly Closing of Account	April, 01	Chaitra, 11	Saturday
5.	Good Friday	April, 14	Chaitra, 24	Friday
6.	Birth Anniversary of Dr. Babasaheb Ambedkar	April, 14	Chaitra, 24	Friday
7.	May Day	May, 01	Vaisakha, 11	Monday
8.	Id-UL-Fitr*	June, 26	Ashadha, 05	Monday
9.	Independence Day	August, 15	Sravana, 24	Tuesday
10.	Ganesh Chaturthi (1st Day)	August, 25	Bhadra, 03	Friday
11.	Ganesh Chaturthi (2nd Day)	August, 26	Bhadra, 04	Saturday
12.	Id-UL-Zuha (Bakri-Id)*	September, 02	Bhadra, 11	Saturday
13.	Dussehra (Vijaya Dashmi)	September, 30	Asvina, 08	Saturday
14.	Gandhi Jayanti	October, 02	Asvina, 10	Monday
15.	Diwali	October, 18	Asvina, 26	Wednesday
16.	Feast of St. Francis Xavier	December, 04	Agrahayana, 13	Monday
17.	Goa Liberation Day	December, 19	Agrahayana, 28	Tuesday
18.	Christmas Day	December, 25	Pausa, 04	Monday

* The holiday mentioned at Sr. Nos. 8 & 12 are subject to appearance of moon.

Goa Human Rights Commission

Proceeding No. 85/2013

Inquiry Report

The Complainant in this case has filed a complaint before the Chief Officer, Margao Municipal Council, Margao and a copy of which has been endorsed to this Commission alleging that M/s. Victoria Engineering/Respondent No.1 is carrying out fabrication work without licence from Margao Municipal Council. It is alleged that for the purpose of fabrication, the Respondent No. 1 is using hand grinders, bench grinders, welding machines, drilling machines, cutter, vice, etc. throughout the day causing thereby noise pollution and dust pollution. It is further alleged that the noise pollution and dust pollution causes nuisance and disturbs peace in the locality. It is the grievance of the Complainant that inspite of several complaints to various authorities no action has been taken against M/s. Victoria Engineering to stop illegal trade of fabrication grills, etc.

2. This Commission issued notices to the Respondents. All the Respondents filed separate replies. The Respondent No. 1 in its reply has stated that the Respondent No. 1 is conducting the business by obtaining licence from Directorate of Industries, Trade & Commerce with the approval of Goa Pollution Control Board. This Respondent has denied that the noise pollution and dust pollution causes and disturbs peace in the locality or the family residing in House No. 49/B. It is further stated that all steps to bring the noise level down are taken and currently the noise level is within the permissible limits of Pollution Control Board.

3. The Respondent No. 2 in its reply has stated that it has granted Trade Licence to the Respondent No. 1 to run the Fabrication Unit upon due compliance of requisites for Trade Licence under Goa Municipality Act. Respondent No.3 in its reply has stated that the issue of dust and noise pollution carried out by M/s. Victoria Engineering is subjudice before the Executive Magistrate, Salcette, in case No. JM/II/MAG/133/10/2010/564.

4. The Respondent No. 3 has also taken a very casual approach to the serious matter relating to noise pollution and air pollution on account of fabrication unit of the Respondent No.1 by taking a plea that the issue of dust and noise pollution carried out by M/s. Victoria Engineering is subjudice before Executive Magistrate, Salcette in case No. JM/II/MAG/133/10/2010/564.

5. The Complainant/Mrs. Remetina Diniz has examined herself before this Commission as CW1. On behalf of the Respondent No. 1, Mrs. Victoria J. Rodrigues has been examined as RW 1.

6. We have gone through the records of this case. The Complainant, Respondent No. 1 and 2 have filed notes of Written Arguments. Apart from notes of Written Arguments, the learned Adv. Shri S. Fernandes and the learned Adv. Shri Redkar made oral submissions on behalf of the Complainant and Respondent No. 1 respectively.

7. The Respondent No. 1 and Respondent No. 2 have contended that the present complaint is barred by law of limitation. According to these Respondents, the cause of action arose 20 years back and as such the complaint is barred by limitation. This contention of the Respondents No.1 and 2 is ridiculous. It is obvious that the cause of action in this case is recurring in nature. This contention of the Respondent No.1 and 2 has no merit and hence cannot be accepted.

8. Admittedly, the Respondent No. 1 is carrying out fabrication work like, fabrication of grills, gates, etc. without licence for fabrication work from the Margao Municipal Council. The Complainant is residing in house bearing No. 49/A which is situated in the residential area. The Workshop of Respondent No. 1 is also located in the same house bearing No. 49/A which is divided by common wall. The Complainant has made various complaints against various authorities on account of noise pollution created by the Respondent No.1. The records indicate that the Margao Municipal Council by notice dated 12-07-2005 directed the Respondent No. 1 to stop the illegal activities of fabrication work. Again by another notice dated 08-02-2007, the Margao Municipal Council directed the Respondent No. 1 to stop forthwith the activities of fabrication of Workshop within seven days. Chief Officer of Margao Municipal Council had issued yet another notice dated 07-01-2010 to stop fabrication activity within seven days.

9. The Goa State Pollution Control Board conducted site inspection on 15-03-2010. As per the Inspection Report, the noise level recorded when the unit was in operation was 69.2 db(A). The records also indicate that in pursuance to the letter dated 09-03-2011 from the Joint Mamlatdar-II and Executive Magistrate, the Goa State Pollution Control Board conducted inspection on 12-05-2011. It is stated that the Noise Level Monitoring Report indicates that the noise level during operation was 64.0 dB which exceeded the permissible limit of 55 dB(A) for residential area. Again acting on the letter

dated 16-04-2013 from the Executive Magistrate, Salcette to carry out fresh inspection, Goa State Pollution Control Board conducted inspection on 28-05-2013 and submitted report dated 21-06-2013 to the Executive Magistrate. In the said report, it was observed that the noise levels were exceeding the permissible limits. It was further observed that environmental pollution is caused due to operation of the unit by the Respondent No. 1. The Goa State Pollution Control Board in exercise of the powers vested in it, u/s 31(A) read with Section-21 of Air (Prevention and Control of Pollution) Act, 1981, directed the Management of M/s. Victoria Engineering (Respondent No. 1) to provide acoustic measures to reduce the noise pollution and carry out noise monitoring. The Respondent No.1 was also directed to submit Compliance Report within 15 days. Admittedly, the Respondent No. 1 had not complied with the directions issued by the Goa State Pollution Control Board.

Again, the Goa State Pollution Control Board conducted site inspection on 28-05-2013 and submitted report dated 04-07-2013 to the Executive Magistrate, Salcette, Margao-Goa. The report indicates as under:

"As seen from the Inspection Report the noise level measured during the operation of machineries and chipping operations were recorded as 57.6 db(A) and 59.6 db(A) respectively."

"As per the noise pollution (Regulation and Control) Rule, 2000 the permissible value are 55 db(A) and as per Rule-7 of the Noise Pollution (Regulation and Control) Rule, 2000 a person may complain if the noise level exceeds 10 db(A) above permissible limits. The Inspection Report also mentions that the unit has obtained necessary permission from Margao Municipal Council and the unit is running for the last 22 odd years. It may be also noted that there exist a railway track nearby to the residential area and is a busy track for railway movement which also contributes to the noise level in the vicinity."

10. The records also indicate that the Executive Magistrate and Joint Mamlatdar-II issued the conditional order dated 19-08-2010 u/s 133 of Cr. PC directing the Respondent No.1 to stop fabrication work in the residential area within seven days and further directing the Respondent No. 1 to show cause as to why the conditional order should not be made absolute. As the Respondent No. 1 did not stop on the fabrication work, another order dated 22-02-2011 was issued

u/s 133 of Cr. PC by the Executive Magistrate-II directing the Respondent No.1 to stop the work in residential area within seven days and also directed Respondent No. 1 to show as to why the conditional order should not be made absolute.

11. Mrs. Remetina Diniz (CW1) has stated in her examination-in-chief that the fabrication work like grills, gates, etc. are carried out illegally without licence from Margao Municipal Council next to the house of the Complainant beyond the kitchen common wall which disturbs not only her but also her family's peace of mind and also of the entire residential area with unbearable noise throughout the day causing sound and dust pollution by M/s. Victoria Engineering. She has further stated that the workers make loud noise by banging heavy iron rods, iron sheets, unloading the iron rods and also by grinding the fabricated works. The fabrication works are carried out just outside her kitchen and all dust coupled with rust of iron rods and smell of the oil paint enters in the kitchen and spoils her food and makes it unhygienic. She has also stated that her grandchild who is seven months old frequently wakes up and gets frightened with unbearable noise created by the Respondent No. 1. In her cross-examination following questions were put to her:

Q: What kind of noise you hear from the workshop?

Ans: I can hear the banging of rods, grinder and cutter from the workshop.

Q: Whether you can distinguish a sound of banging rods done by a third person outside the workshop or in the neighbourhood?

Ans: I can know the direction from where sound is coming as the sound which comes from the outside is less compared to the sound from the workshop.

This witness (CW1) was cross-examined by the Respondents but without any results in their favour. There are no grounds to disbelieve her evidence (CW1).

12. Mrs. Victoria J. Rodrigues (RW1) in her examination-in-chief has stated that the fabrication work is carried out with licence from the Margao Municipal Council. However, in her cross-examination she has admitted that she does not have licence from Margao Municipal Council for fabrication work. Thus it is an admitted fact that M/s. Victoria Engineering (Respondent No.1) is carrying out fabrication work without licence from the Competent Authority i.e. Margao Municipal Council. It is surprising to note that inspite of

initiating legal action against M/s. Victoria Engineering, the Margao Municipal Council has defended the illegal activities of M/s. Victoria Engineering by taking a spacious plea that the Respondent No. 2 (Margao Municipal Council) has granted Trade Licence to the Respondent No.1 and that the Respondent No.1 has obtained required licences from other Authorities as required under the law. The records, prima facie, indicate that the Respondent No. 2 in collusion with Respondent No.1 has allowed Respondent No. 1 to carry out the work of fabrication without obtaining fabrication licence from the Respondent No. 2 (Margao Municipal Council).

13. Needless to say that environment is a basic human right of every individual. In the case of Church of God (Full Gospel) in India, Petitioner V/s K. K. R. Majestic Colony Welfare Association and Others, Respondents, the Hon'ble Supreme Court has observed as under:

"Under the Environment (Protection) Act, 1986 rules for noise pollution level are framed which prescribe permissible limits of noise in residential, commercial, industrial areas or silence zone. The question is whether the appellant can be permitted to violate the said provisions and add to noise pollution? In our view to claim such a right itself would be unjustifiable. In these days, the problem of noise pollution has become more serious with the increasing trend towards industrialisation, urbanization and modernisation and is having many evil effects including danger to health. It may cause interruption of sleep, affect communication, loss of efficiency, hearing loss or deafness, high blood pressure, depression, irritability, fatigue, gastro-intestinal problems, allergy, distraction, mental stress and annoyance, etc. It also affects animals alike. The extent of damage depends upon the duration and the intensity of noise. Sometimes it leads to serious law and order problem. Further, in an organized society, rights are related with duties towards others including neighbours."

14. In the case reported in AIR 2005 Supreme Court, 1316, the Hon'ble Supreme Court has observed as follows:

"Article-21 of the Constitution guarantees life and personal liberty to all persons. It is well settled by repeated pronouncements of this court as also the High Courts that right to life enshrined in Article-21 is not of mere survival or existence. It guarantees a right of persons to life with human

dignity. Therein are included, all the aspects of life which go to make a person's life meaningful, complete and worth living. The human life has its charm and there is no reason why the life should not be enjoyed along with all permissible pleasures. Anyone who wishes to live in peace, comfort and quiet within his house has a right to prevent the noise as pollutant reaching him. No one can claim right to create noise even in his own premises which would travel beyond his precincts and cause nuisance to neighbours and others. Any noise which has the effect of materially interfering with the ordinary comforts of life just by the standard of a reasonable man is nuisance. How and when a nuisance created by noise becomes actionable has to be answered by reference to its degree and surrounding circumstances, the place and the time."

14. In the case of Subhash Kumar V/s State of Bihar (1991) 1 SCC 598, the Hon'ble Supreme Court has held that "right to life is a fundamental right under Article-21 of Constitution and it includes the right to enjoyment of pollution free water and air for full enjoyment of life. If anything endangers or impairs that quality of life in derogation of loss a citizen has a recourse to Article-32 of the Constitution for removing the pollution of water or air which may be detrimental to life".

15. In the case of Madhavi, Petitioner v/s Thilikan & Ors., Respondents reported in 1989 Criminal Law Journal 499, on which reliance has been placed by the Complainant, the Kerala High Court has held that "various Municipal Laws and Regulations have been enacted to ensure that industrial enterprises do not telescope into residential area causing health hazards".

16. On the basis of the records we are satisfied that the Respondent No. 1 is carrying out fabrication work in a thickly populated residential area without obtaining fabrication licence from the Margao Municipal Council and has also failed to obtain necessary permission from other Competent Authorities. On account of fabrication activities, the Complainant as well as the people residing in the close vicinity have become the victims of noise pollution and air pollution.

We therefore make the following recommendations:

1. The Executive Magistrate, Margao before whom the proceedings under Section 133 of Cr.PC are pending shall dispose of the complaint as expeditiously as possible in accordance with law.
2. The Margao Municipal Council, Margao shall initiate appropriate action against M/s. Victoria Engineering (Respondent

No. 1) for carrying out activities in a thickly populated residential area without obtaining licence for fabrication work from Margao Municipal Council.

3. The Directorate of Industries, Trade and Commerce, Panaji-Goa shall carry out inspection of M/s. Victoria Engineering and make assessment as to whether M/s. Victoria Engineering can be allowed to carry out fabrication activity in the residential area and submit its report within 30 days.
4. The Goa State Pollution Control Board shall carry out surprise inspection of M/s. Victoria Engineering by deputing two senior Officers to verify and record the noise level when all the machines used in the Workshop are simultaneously operational. They should also assess dust & smell/odour pollution caused by the unit in a residential area and shall submit its report within 30 days.

Date: 11-11-2014.

Place: Panaji-Goa.

Sd/-
(A. D. Salkar)
Member
Goa Human Rights
Commission

Sd/-
(J. A. Keny)
Member
Goa Human Rights
Commission

**Before the Goa Human Rights Commission
at Panaji**

Proceeding No. 85/2013

Mrs. Remetina Diniz Complainant.

M/s. Victoria Engineering & Ors ... Respondents.

May it please your Honour

The above matter is fixed today for Action Taken report on behalf of the Margao Municipal Council, the respondent No. 2.

The Respondent No. 2 has already revoked the Trade Licence issued to M/s. Victoria Engineering vide order No. MMC/Tax/2016-17/1132 dated 31-10-2016.

The copy of the said order is placed herewith on record.

Margao,
Dated: 01-11-2016.

Sd/-
Adv. for the Resp.
No. 1

No. MMC/TAX/2016-17/1132
Office of the Margao Municipal
Council, Margao-Goa

Dated: 31st October, 2016.

Order

No. MMC/TAX/2016-17/1132

Read: Notice No. MMC/TAX/2016-17/789 dated 19-08-2016.

With reference to Notice issued to you vide No. MMC/TAX/2016-17/789 dated 19-08-2016 it is noticed that you are still carrying out activities of Fabrication workshop at Mungul Pequeno, Margao. Therefore, Trade Licence issued vide No. T/O/4323 stands revoked with immediate effect.

Y. B. Tavde,

Chief Officer
Margao Municipal Council

To,

Smt. Victoria Rodrigues,
H. No. 440/B, Mungul,
Pequeno, Margao-Goa.

Copy to:-

1. Taxation Section.
2. Shri Anil Shirodkar, Municipal Inspector.
3. O/C.

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Department of Labour

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Order

No. 28/41/2016-LAB/772

Whereas the Government of Goa is of the opinion that an industrial dispute exists between the management of M/s. Sanofi India Limited, Plot No. L-121, Phase-III, Verna Industrial Estate, Verna, Goa and their workmen represented by the Bhartiya Kamgar Sena, in respect of the matter specified in the Schedule hereto (hereinafter referred to as the "said dispute");

And whereas the Government of Goa considers it expedient to refer the said dispute for adjudication.

Now therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter referred to as the "said Act"), the Government of Goa hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa at Panaji-Goa constituted under Section 7-A of the said Act.

SCHEDULE

“(1) Whether the action of the management of M/s. Sanofi India Limited, Plot No. L-121, Phase-III, Verna Industrial Estate, Verna-Goa in non payment of Special Allowance to the following workmen is legal and justified?”

Sr. No.	Name	Designation
1.	Shri Shankar Pandit	Operator
2.	Shri Rajesh Naik	—do—
3.	Shri Mangrish Patil	—do—
4.	Shri Ajay Phadte	—do—
5.	Shri Sushant Naik	—do—
6.	Shri Felix D'Souza	—do—
7.	Shri Bolanath Kankonkar	—do—
8.	Shri Jagdish Shetkar	—do—
9.	Shri Dhana Naik	—do—
10.	Shri Dinesh Naik	—do—
11.	Shri Dilip Phondekar	—do—
12.	Shri Gopi Sawant	—do—
13.	Shri Navindra Borkar	—do—
14.	Shri Vijaykumar Naik	—do—
15.	Shri Keshav Naik	—do—
16.	Shri Sandip Gaonkar	—do—
17.	Shri Suraj Tamse	—do—
18.	Shri Ashvek Parab	—do—
19.	Shri Gasper Fernandes	—do—
20.	Shri Rajesh Borkar	—do—
21.	Shri Rajendra Naik	—do—

(2) If the answer to issue No. (1) above is in the negative, then, what relief the workmen are entitled to?

By order and in the name of the Governor of Goa.

Georgina Saldanha, Under Secretary (Labour).
Porvorim, 2nd November, 2016.

Order

No. 28/30/2016-LAB/778

Whereas the Government of Goa is of the opinion that an industrial dispute exists between management of M/s. Umiya Builders and Developers, Chicalim, Goa and their workperson, Mrs. Milena Rodrigues, Office Assistant represented by the All Goa General Employees Union, in respect of the matter specified in the Schedule hereto (hereinafter referred to as the “said dispute”);

And whereas the Government of Goa considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter referred to as the “said Act”), the Government of Goa hereby refers the said dispute for adjudication to the Labour Court-II of Goa at Panaji-Goa, constituted under Section 7 of the said Act.

SCHEDULE

“(1) Whether the action of the management of M/s. Umiya Builders and Developers, Chicalim, Goa, in dismissing Mrs. Milena Rodrigues, Office Assistant from service with effect from 11-08-2015 is legal and justified?”

(2) If not, what relief the workperson is entitled to ?”

By order and in the name of the Governor of Goa.

Georgina Saldanha, Under Secretary (Labour).

Porvorim, 3rd November, 2016.

Order

No. 28/44/2016-LAB/779

Whereas the Government of Goa is of the opinion that an industrial dispute exists between the management of M/s. Shrikrupa Services Private Limited, a maintenance and fabrication contractor at M/s. Zuari Agro Chemicals Limited, Zuarinagar, Sancoale, Goa, and their workman, Shri Dilip S. Reddy, Assistant Rigger represented by the Goa Trade and Commercial Workers Union, in respect of the matter specified in the Schedule hereto (hereinafter referred to as the “said dispute”);

And whereas the Government of Goa considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter referred to as the “said Act”), the Government of Goa hereby refers the said dispute for adjudication to the Labour Court-II of Goa at Panaji-Goa, constituted under Section 7 of the said Act.

SCHEDULE

“(1) Whether the action of the management of M/s. Shrikrupa Services Private Limited, a maintenance and fabrication contractor at M/s. Zuari Agro Chemicals Limited, Zuarinagar, Sancoale, Goa, in dismissing

from service Shri Dilip S. Reddy, Assistant Rigger, with effect from 18-03-2014, is legal and justified?

- (2) If not, what relief the workman is entitled to?"

By order and in the name of the Governor of Goa.

Georgina Saldanha, Under Secretary (Labour).

Porvorim, 4th November, 2016.

Order

No. 28/39/2016-LAB/793

Whereas the Government of Goa is of the opinion that an industrial dispute exists between M/s. Kadamba Transport Corporation Limited, Porvorim, Goa, and its workman, Shri Damu Kudalkar, Peon, represented by the Kadamba Kamgar Union, in respect of the matter specified in the Schedule hereto (hereinafter referred to as the "said dispute");

And whereas the Government of Goa considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter referred to as the "said Act"), the Government of Goa hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa at Panaji-Goa, constituted under Section 7A of the said Act.

SCHEDULE

- "(1) Whether the action of M/s. Kadamba Transport Corporation Limited, Porvorim, Goa, in non-extending the benefits of IIIrd up-gradation after completion of 30 years of service to Shri Damu Kudalkar, Peon, thereby depriving him of the monetary benefits, is legal and justified?

- (2) If not, what relief the workman is entitled to?"

By order and in the name of the Governor of Goa.

Georgina Saldanha, Under Secretary (Labour).

Porvorim, 8th November, 2016.

Notification

No. 28/1/2016-LAB/Part-I/775

The following award passed by the Labour Court-II, at Panaji-Goa on 17-08-2016 in reference No. LC-II/IT/05/2012 is hereby published as required by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

Georgina Saldanha, Under Secretary (Labour).

Porvorim, 31st October, 2016.

IN THE LABOUR COURT-II GOVERNMENT OF GOA AT PANAJI

**(Before Shri Suresh N. Narulkar, Hon'ble
Presiding Officer)**

Case No. Ref. LC-II/IT/05/2012

Shri Kishore (Natha) Sakhalkar,

r/o Mainath Batti, Arpora,

Bardez-Goa

... Workman/Party I.

V/s

M/s. Nilaya Heritage,

Arpora,

Bardez-Goa

... Employer/Party II.

Workman/Party I represented by Adv. Shri Suhas Naik.

Employer/Party II represented by Adv. Shri P. J. Kamat.

Panaji, Dated: 17-08-2016.

AWARD

1. In exercise of the powers conferred by Clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Government of Goa, by Order dated 25-10-2012, bearing No. 28/35/2012-LAB/586, referred the following dispute for adjudication to the Industrial Tribunal of Goa. The Hon'ble Presiding Officer, Industrial Tribunal-cum-Labour Court in turn assigned the present dispute to this Labour Court-II, vide her order dated 29-10-2012.

- "(1) Whether the action of the management of M/s. Nilaya Hermitage, Arpora, Bardez, Goa, in terminating the services of Shri Kishore (Natha) Sakhalkar, Driver, with effect from 14-11-2008, is legal and justified?

- (2) If not, what relief the Workperson is entitled to?"

2. On receipt of the reference, a case was registered under No. LC-II/IT/05/12 and registered A/D notice was issued to the Parties. In pursuance to the said notice, the Parties put in their appearance. The Workman/Party I (for short 'Workman'), filed her Statement of Claim on 20-03-2013 at Exb-4. The facts of the case in brief as pleaded by the Workman are that he was employed by the Employer/Party II (for short, 'Employer'). He stated that he worked with the Employer from the date of his appointment till the date of his illegal termination of his service. He stated that on 14-11-2008, he was suddenly refused employment without assigning any reasons. He stated that the Employer transferred its entire management along with its business, assets and liabilities in favour of M/s. Jai Agrotech Private Ltd. He stated that the possession of its premises was also given to the said transferee company on 06-01-2011. He stated that upon transfer of the Employer hotel to M/s. Jai Agrotech Pvt. Ltd., the later has taken over all the workmen, who were employed with the Employer as on 05-01-2011 with continuity in service for all legal and practical purposes. He submitted that he was ready and willing to resume for work unconditionally and had requested the Employer to draw the proper minutes of settlement before the Asstt. Labour Commissioner, Mapusa. He stated that as he was not allowed to resume for his duties by the Employer, he raised an 'industrial dispute' pertaining to his illegal refusal of employment w.e.f. 14-11-2008 before the Asstt. Labour Commissioner, Mapusa, Goa, which ended in failure.

3. The Workman submitted that the termination of his service w.e.f. 14-11-2008 is illegal, unjustified and bad-in-law. He submitted that the Employer hotel is operational in full swing and only the management of the Employer hotel has been transferred to M/s. Jai Agrotech Pvt. Ltd., who has agreed to continue the services of all the workmen. He submitted that the Employer hotels, which is run and managed by Moonrise Tourism Pvt. Ltd., also has many other hotels in Goa and one such hotel is at Tiracol. He stated that he is unemployed. He stated that he tried to get himself employed in many hotels however, he could not able to secure any employment inspite of his best efforts. The Workman therefore, prayed that the termination of his services by the Employer w.e.f. 14-11-2008 be declared as illegal, unjustified and bad-in-law and he be reinstated back in services of the Employer with full back wages and continuity in services.

4. The Employer resisted the claim of the Workman by filing its written statement on 10-04-2013 at Exb. 5. The Employer, as and by way of preliminary objection, submitted that this Hon'ble Court has no jurisdiction to entertain and try this reference as the same is referred to the Industrial Tribunal of Goa constituted under Section 7-A of the said Act. The Employer submitted that no demand was made on them by the Workman in respect of the present matter.

5. The Employer submitted that it was the unit of M/s. Moonrise Tourism Pvt. Ltd., a company registered under the Companies Act, 1956. The Employer stated that it was only a residential hotel, owned and operated by the said company at Arpora, Goa. The Employer submitted that M/s. Nilaya Hermitage was sold on 06-01-2011 and all the workers were retrenched arising out of the sale of the establishment and were paid all their legal dues. The Employer submitted that the Workman was given an offer of employment at its establishment at Tirakhol Fort, but the Workman declined to accept the said offer.

6. The Employer stated that the Workman was appointed by them as a 'driver' and was working with them till 21-10-2008. The Employer stated that the Workman had absented from work w.e.f. 22-10-2008 without any intimation and leave. The Employer stated that it has decided to sell its hotel unit and accordingly, entered into the negotiations with the prospective purchasers in October, 2010 and finalized the same in January, 2011. The Employer stated that while its negotiations with the respective purchasers were in progress, it received a notice dated 11-04-2011 from the Asstt. Labour Commissioner, Mapusa, alleging illegal termination of his services by them. The Employer stated that on receipt of the said notice dated 11-04-2011, they contacted the ALC, Mapusa and was furnished with a copy of the letter dated 26-12-2008 filed before the ALC, Mapusa, Goa. The Employer stated that they denied the contentions of the Workman, vide its letter dated 16-05-2011 and informed the Workman that he had absented from work without any reasons. The Employer stated that it has also informed the Workman that it has sold its unit to third person and the claims of all the workers on its rolls as on the date of sale have been settled. The Employer stated that it has also informed the Workman that without prejudice to its aforesaid contention, the Workman is being offered an employment at its other unit at Fort Terekhol Harmitage Hotel, Terekhol, Pernem-Goa and he was called upon to report at their unit,

within seven days from the receipt of the said letter. The Employer stated that the Workman received its letter dated 16-05-2011 and filed his reply dated 08-06-2011 alleging that the offer of employment given to him by them be made before the office of the ALC, Mapusa, so that proper minutes of settlement are drawn and that he is ready to accept offer before the ALC, Mapusa with complete transparency. The Employer stated that the Workman also contended that there is no express term of service of contract existing between the Workman and them to transfer him or to employ him at different establishment. The Employer stated that the Workman denied that its unit has been sold to third person and the claim of the workmen have been settled. The Employer stated that the matter was not resolved at the office of the ALC, Mapusa nor the Workman accepted the offer of employment at Terekhol nor reported for work at Terekhol. The Employer stated that the Workman, by remaining absent from its establishment, has been conducting business at Arpora and that is the reason why he had not accepted the offer given to him by them. The Employer stated that the Workman continues to do the said business even now. The Employer submitted that it has neither refused the employment nor terminated the services as contended. The Employer reiterated that the Workman has absented from work from October/November, 2008 and did not even accept the job offered to him by them in their other units. The Employer therefore submitted that the Workman is therefore not entitled to any relief. The Employer denied the overall case of the Workman and submitted that the Workman is not entitled to any relief.

7. Thereafter, the Workman filed her re-joinder on 24-01-2013 at Exb.6. The Workman, by way of his Re-joinder confirms and reiterates all his submissions, averments and statements made in his claim statement to be proved and correct and denied all the statements, averments and submissions made by the Employer in its written Statement, which are contrary to his statement and averments made in his claim statement. The Workman submitted that the stand taken by the Employer asking him to report at Terekhol Hermitage Hotel is an afterthought defence taken by the Employer hotel to justify the illegal refusal of employment to him w.e.f. 14-11-2008. He submitted that the Employer does not have any hotel at Terekhol Fort by name Fort Terekhol Hermitage Hotel at Terekhol, Pernem, Goa.

8. Based on the pleadings filed by the respective Parties, the Hon'ble Industrial Tribunal-cum-Labour Court has framed certain issues on 10-07-2013 at Exb.-7.

1. Whether the Employer/Party II proves that this court has no jurisdiction to entertain and try the present reference in view of the reasons mentioned in para 3 (a), 3 (b), 3 (d) and 3 (e) of its written statement?
2. Whether the Workman/Party I proves that the action of the Employer/Party II in terminating his services with effect from 14-11-2008 is illegal and unjustified?
3. Whether the Workman/Party I is entitled for any relief?
4. What Order? What Award?
9. My answers to the aforesaid issues are as under:
 - (a) Issue No. 1 : In the negative.
 - (b) Issue No. 2 : In the negative.
 - (c) Issue No. 3 : In the negative.
 - (d) Issue No. 4 : As per final order.

REASONS

Ld. Adv. Shri Suhas Naik, appearing for the Workman remained absent at the time of final arguments. On the contrary, Ld. Adv. Shri P. J. Kamat, appearing for the Employer chose to file his synopsis of written arguments on behalf of the Employer.

10. In the case of **V. N. S. Engineering Services v/s. Industrial Tribunal of Goa, Daman and Diu and Anr.**, reported in 1987 II LLN 968, the Hon'ble High Court of Bombay has held that "*there is nothing in the Industrial Disputes Act, 1947 that indicates a departure from the general rule that he, who approaches a court for relief, should prove his case i.e. the obligation to lead evidence to establish an allegation. The test being that he, who does not lead evidence, must fail. The Hon'ble High Court of Bombay further held that the provisions of Rule-10-B of the I.D. (Central Rules), 1957 which requires the party raising a dispute to file a statement of demands relating only to the issue in the order of reference for adjudication within 15 days from the receipt of the order of reference and forward copies to the opposite party involved, clearly indicates that the party who raises the industrial disputes, is bound to prove the contention raised by him and an Industrial Tribunal or Labour Court would be erring in placing the burden of proof on the other party to the dispute*".

11. In the case of **Airtech Pvt. Ltd. v/s. State of U.P. & Ors., reported in 1984 (49) FLR 38**, the Hon'ble High Court of Allahabad has held that *"the matter can be looked at from another angle, which party will fail if the evidence is not led before the Labour Court in proceedings in a reference made to it for adjudication by the State Government? The obvious answer is that the Workman will fail. Here the reference was made by the State Government at the instance of the Workman and for the benefit of the workman. In the absence of any evidence led by or on behalf of the Workman, the reference is bound to be answered by the court against the Workman. In such a situation it is not necessary for the employers to lead any evidence at all. This matter was dealt with by the Supreme Court in Shankar Chaudhart v/s. Britania Biscuits Co. Ltd. in paragraph 30th Court held that the Labour Court or Industrial Tribunal have all the trappings of a court. In paragraph 31 it held that any party appearing before a Labour Court or Industrial Tribunal 'Must' make a claim or demur the claim of the other side and when there is burden upon it to prove or establish the fact so as to invite a decision in its favour, it has to lead evidence. The obligation to lead evidence to establish an allegation made by a party is on the party making the allegation. The test would be, who would fail if no evidence is led. It must seek an opportunity to lead evidence"*.

12. In the case of **V. K. Raj Industries v/s Labour Court (I) and Ors. reported in the year 1981 (29) FLR, 194** of Allahabad High Court has held that the proceedings before the Industrial Tribunal are judicial in nature, even though the Indian Evidence Act, is not applicable to the proceeding before the Industrial Court, but the principle underlying the said Act are applicable. The High Court has held that *"it is well settled that if a party challenges the validity of an order and if no evidence is produced, the party invoking the jurisdiction must fail. The High Court has also held that if the workman fails to appear or to file written statement or produce evidence, the dispute referred by the Government cannot be answered in favour of the workman and he will not be entitled any relief"*.

13. The principle laid down by the Hon'ble High Courts in its respective case are still holds good. Applying the law laid down by the Hon'ble High Courts, in the instant case, the order of reference has been issued by the Government of Goa at the instance of the workman, who has raised the present dispute pertaining to his termination of services w.e.f. 14-11-2008 by the Employer by contending to be illegal and unjustified. The Workman appeared before this court and filed his

pleadings, setting up the grounds of challenge to his alleged illegal termination of service. The Employer resisted the claim of the Workman as by contending that the workman has absented from work w.e.f. 22-10-2008 without any intimation and leave. This court also framed certain issues, based on the pleadings filed by the respective parties. It was therefore incumbent upon the workman to prove his case by leading material evidence either oral or documentary. Thereafter, the Workman filed his affidavit in evidence in support of his case. The Workman also produced on record certain documentary evidence in support of his oral evidence. The Workman was partly cross-examined by the Ld. Adv. Shri P. J. Kamat appearing for the Employer. The evidence on record indicates that the Workman has however, failed to remain present for his further cross-examination on and from 10-02-2015, though ample opportunities were given to him. This court therefore closed the evidence of the Workman, vide its order dated 30-09-2015.

14. Thereafter, Ld. Adv. Shri Suhas Naik filed an application dated 17-11-2015 for setting aside order of this court dated 30-09-2015 closing the evidence of the Workman. The said application of the Workman was allowed after hearing both the parties, vide order of this court dated 15-01-2016. The evidence on record further indicates that inspite of giving ample opportunities, the Workman failed to remain present for his further cross-examination and as such this court was pleased to pass an order dated 14-07-2016, thereby closing the evidence of the Workman. The said evidence adduced by the Workman cannot be looked into as it is not tasted by way of cross-examination.

15. In result, there is no material evidence on record to prove the case of the Workman. Consequently, the workman failed to prove any of the issues burdened upon him. In the circumstances, in the absence of any evidence on record, it is held that the Workman has failed to prove that the action of the Employer in terminating his services w.e.f. 14-11-2008, is illegal and unjustified. In the absence of any evidence on record, it is held that the action of the management of M/s. Nilaya Hermitage, Arpora, Bardez, Goa, in terminating the services of Shri Kishore (Natha) Sakhalkar, Driver, with effect from 14-11-2008, is legal and justified. The workman is therefore not entitled to any relief. The Employer also did not lead evidence in rebuttal. The issue Nos. 1 to 3 are therefore answered in the negative.

In view of the above, I proceed to pass the following order:

ORDER

1. It is held that the action of the management of M/s. Nilaya Hermitage, Arpora, Bardez, Goa, in terminating the services of Shri Kishore (Natha) Sakhalkar, Driver, with effect from 14-11-2008, is legal and justified.
2. The workman Shri Kishore (Natha) Sakhalkar, driver is not entitled to any relief.
3. No order as to costs.

Inform the Government accordingly.

Sd/-
(Suresh N. Narulkar)
Presiding Officer
Labour Court-II

Notification

No. 28/1/2016-LAB/Part-I/776

The following award passed by the Labour Court-II, at Panaji-Goa on 11-08-2016 in reference No. LC-II/IT/01/2015 is hereby published as required by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

Georgina Saldanha, Under Secretary (Labour).

Porvorim, 31st October, 2016.

IN THE LABOUR COURT-II
GOVERNMENT OF GOA
AT PANAJI

(Before **Shri Suresh N. Narulkar**, Hon'ble
Presiding Officer)

Case No. LC-II/IT/01/2015

Shri Prakash Naik,
r/o. H. No. 192, Gaonkarwada,
Tuem, Pernem-Goa. ... Workman/Party I.
V/s

M/s. Veronik Micronutrients
Pvt. Ltd.,
D3-8, Tuem Industrial Estate,
Tuem, Pernem-Goa. ... Employer/Party II.
Workman/Party I represented by Shri Subhash Naik George.
Employer/Party II represented by its Employee Shri Pramod Naik.

Panaji, Dated: 11-08-2016.

AWARD

1. In exercise of the powers conferred by Clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act, 14 of 1947), the Government of Goa, by Order dated 08-01-2015, bearing No. 28/45/2014-Lab/03, referred the following dispute for adjudication to the Industrial Tribunal of Goa. The Hon'ble Presiding Officer, Industrial Tribunal cum Labour Court in turn assigned the present dispute to this Labour Court-II vide her order dated 13-01-2015.

"(1) Whether the action of the management of M/s. Veronik Micronutrients Private Limited, Tuem, Pernem, Goa, in terminating the services of Shri Prakash Naik, Senior Production Worker, with effect from 11-02-2014, is legal and justified?

(2) If not, what relief, the Workman is entitled to?"

2. On receipt of the reference, a case was registered under No. LC-II/IT/01/15 and registered A/D notice was issued to the Parties. In pursuance to the said notice, the Parties put in their appearance. The Workman/Party-I (for short 'Workman'), filed his Statement of Claim on 20-04-2015 at Exb-5. The facts of the case in brief as pleaded by the Workman are that the Employer/Party II (for short, 'Employer') is engaged in the manufacture of manure for coconut, sugarcane, chillies and other fruit bearing plants. He stated that Employer also exports manure to foreign countries besides supplying all over India.

3. He stated that he was engaged as 'worker' in production department of the Employer w.e.f. 01-04-1996. He stated that his services were confirmed with effect from July, 1997. He stated that in November, 2013, he fell sick and had to be operated at Goa Medical College, Bambolim for damage his right hand muscle. He stated that he recovered from the said illness and fit for work in February, 2014. He stated that when he went to resume for his duties alongwith medical certificate as well as fitness certificate w.e.f. 11-02-2014, he was not allowed to report for work inside the factory premises. He stated that thereafter he continued to report for work, but he was not allowed to report for his duties. He stated that he was informed that he would be taken back in service if he resigns from work and agrees to work as a daily wage worker. He stated that in the month of April, 2014, he received two letters one dated 07-04-2014 and another dated 11-04-2014, terminating his services w.e.f. 11-04-2014. He

submitted that he has raised industrial dispute with the Employer demanding reinstatement in service which was dismissed by the Employer. He submitted that thereafter he raised a dispute before the Asstt. Labour Commissioner, which ended in failure.

4. He submitted that at the time of termination of his services, he was not paid any retrenchment compensation as per provisions of Section 25-F of the I. D. Act. He submitted that at the time of termination of his services, no valid reasons were given for his termination. He stated that the principles of natural justice were totally violated. He submitted that no seniority list as required u/s 25-G of the I.D. Act, was not displayed. He submitted that the Employer has recruited new workers after termination of his services. He submitted that no one months' notice was given to him before termination of his services. He submitted that neither he was paid provident fund dues nor paid ESI contribution. He submitted that the termination of his services is in total violation of provisions of sections 25-F, 25-G and 25-H of the I.D. Act, 1947. He therefore submitted that the termination of his services is totally illegal and unjustified and he entitled to be reinstated in service with full back wages and continuity in service.

5. The Employer resisted the claim of the Workman by filing its written statement on 29-06-2015 at Exb. 7. The Employer admitted that it is engaged in the manufacture of micro-nutrient mixture fertilizers and supplies them to many parts of India through its network of dealers. The Employer submitted that the Workman joined in their services in April, 1996 as a production worker. The Employer stated that services of the Workman was confirmed w.e.f. July, 1997.

6. The Employer stated that on 20-11-2013, the Workman gave a leave application, requesting for leave for one month from 20-11-2013 as he had to get operated on his shoulder. The Employer stated that the Workman had sustained the said injury at his home and not at the work place. The Employer therefore submitted that they had no liability of whatsoever directly or indirectly. The Employer stated that due to the said injury, the Workman was away from duty 20-11-2013 till 10-02-2014 for a total period of 83 days. The Employer stated that the Workman had submitted two medical certificates, one dated 20-12-2013 for his absence from duty w.e.f. 20-11-2013 and another dated 31-01-2014 for his absence from duty w.e.f. 21-12-2013.

7. The Employer stated that a verbal request was made by the Workman for light duty jobs. The Employer stated that the Workman had also given a letter dated 12-02-2014 in writing requesting for allowing him to join duties and also for giving light duty jobs. The Employer stated that vide its letter dated 08-02-2014, they had informed the Workman that he was taken as a production worker to do all types of manufacturing activities and there is no light duty jobs, which he could be offered in the factory. The Employer stated that they could not give to the Workman any light jobs in the factory as he had not fully recovered from the injuries, even though a medical fitness certificate was produced. The Employer stated that since the Workman was employed as a production worker, there was no possibility of giving him lighter jobs as he was earning as much as Rs. 22,000/- p.m. salary. The Employer stated that vide its letter dated 07-04-2014, they had informed the Workman that they have decided to settle his full and final accounts with them.

8. The Employer denied that they have not paid any compensation to the Workman. The Employer stated that it has paid to the Workman a compensation for 18 years of his service rendered with them. The Employer stated that it has paid a total sum of Rs. 4,48,462/- to the Workman (being Rs. 92,400/- towards leave encashment, Rs. 1,05,600/- towards retrench compensation, Rs. 2,28,462/- towards gratuity and Rs. 22,000/- towards one months' notice pay). The Employer therefore denied that it has violated Section 25-F, 25-G and 25-H of the I.D. Act, 1947 as well as principles of natural justice. The Employer therefore prayed for dismissal of the present reference with costs.

9. Thereafter, the Workman filed his Re-joinder on 10-07-2015 at Exb. 8. The Workman, by way of his Re-joinder, confirms and reiterates all the submissions and averments made by him in his claim statement to be true and correct and denies all the statements and averments made by the Employer in the Written Statement, which are contrary to the statements and averments made by him.

10. Based on the pleadings of the respective Parties filed in the present proceedings, the Hon'ble Industrial Tribunal framed the following issues on 12-08-2015 at Exb. 11.

1. Whether the Workman/Party I proves that the action of the Employer/Party II in terminating his services w.e.f. 11-02-2014 is illegal and unjustified?

2. Whether the Employer/Party II proves that the Workman had requested for light duty jobs?
3. Whether the Employer/Party II proves that it has validly retrenched the services of the Workman w.e.f. 11-02-2014?
4. Whether the Workman/Party I is entitled to any relief?
5. What Order? What Award?

11. My answers to the aforesaid issues are as under:

- Issue No. 1 : In the Affirmative.
 Issue No. 2 : In the Affirmative.
 Issue No. 3 : In the Negative.
 Issue Nos. 4 & 5 : As per final order.

I have heard the oral arguments of Ld. Rep. Shri Subhash Naik George, appearing for the Workman. Shri Pramod Naik, the authorized representative of the Employer chose to file his synopsis of written arguments.

12. Ld. Rep. Shri Subhash Naik George, representing the Workman, during the course of his oral arguments, submitted that the Workman was employed with the Employer as 'Production Worker' since 01-04-1996. He submitted that in the month of November, 2013, the Workman fell sick and had to be operated in Goa Medical College, Bambolim for damages to his right hand muscle. He submitted that the Workman recovered from the said sickness and was fit to report for his duties from February, 2014. He submitted that when the Workman went to resume for his duties on and from 11-02-2014 along with doctor certificate as well as his fitness certificate, he was not allowed to report for his duties. He submitted that on the contrary, he was told to report at their factory gate and further informed that his fate would be informed after talking to the boss. He submitted that the Workman was thereafter informed that he would be taken in the factory, if resigned from work and agreed to work as a daily wage worker. He submitted that the Workman received two letters in the month of April, 2014, one dated 07-04-2014 and another dated 11-04-2014 terminating his services w.e.f. 11-04-2014. He submitted that the said move of the Employer is an afterthought as the Workman was refused employment w.e.f. 11-02-2014. He submitted that the action of the Employer in terminating his service with effect from 11-02-2014 is illegal and unjustified as admittedly no enquiry was conducted against the Workman by issuing him

any charge-sheet. He submitted that at the time of termination of his services neither the Workman was paid his legal dues as required u/s. 25-F of the I.D. Act, 1947 nor followed the procedure as required u/s. 25-G as well as 25-H of the I.D. Act, 1947. He therefore submitted that the action of the Employer in terminating services of the Workman is therefore illegal, unjustified and bad-in-law and also in violation of principles of natural justice. He submitted that the Workman is unemployed from the date of his termination of services. He therefore submitted that the action of the Employer in terminating services of the Workman be held as illegal, unjustified and bad-in-law and the Employer be directed to reinstate the Workman along with full back wages and continuity in service and consequential benefits thereof.

On the contrary, the Rep. of the Employer chose to file synopsis of written arguments on behalf of Employer.

REASONS

13. Issue Nos. 1, 2 and 3:

I am deciding the issue nos.1, 2 and 3 simultaneously as they are co-related to each other.

14. Undisputedly, the Workman was employed with the Employer as Production Worker w.e.f. 01-04-1996. His services were confirmed w.e.f. 1st July, 1997. It is also not in dispute that the Workman fell sick in the month of November, 2013 and he had to be operated in Goa Medical College, Bambolim for damage to his right hand muscle. It is not in dispute that the Workman had gone to report for his duties on 11-02-2014 along with his medical certificate as well his fitness certificate from the doctors of the G.M.C., Bambolim, Goa. However, he was not allowed to report for his duties on and from 11-02-2014 onwards as the Workman had requested for light duty jobs. The said action on the part of the Employer amounts to refusal of employment to the Workman w.e.f. 11-02-2014. Since the said refusal of employment to the Workman is permanent in nature, it amounts to termination of service of the Workman w.e.f. 11-02-2014. As the said termination of service of the Workman is otherwise than as a punishment inflicted upon him by way of disciplinary action, it amounts to retrenchment of services of the Workman w.e.f. 11-02-2014 within the meaning of Section 2 (oo) of the I.D. Act, 1947.

15. Section 25-F of the I.D. Act, 1947 lays down the pre-conditions for a valid retrenchment. Similarly, Section 25-G of the I.D. Act, 1947 laid down the procedure for valid retrenchment and

Section 25-H of the I.D. Act, 1947 provides for re-employment of retrenched workmen. The Workman also challenged his termination of service w.e.f. 11-02-2014 by contending to be illegal and unjust as it is in violation of Section 25-F, 25-G and 25-H of the I.D. Act, 1947. It is therefore necessary to go into the aforesaid relevant provisions of the I.D. Act, 1947.

16. **25-F. Conditions precedent to retrenchment of workmen.** – No Workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until-

- (a) *the Workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the Workman has been paid in lieu of such notice, wages for the period of the notice;*
- (b) *the Workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay for every completed year of continuous service or any part thereof in excess of six months; and*
- (c) *notice in the prescribed manner is served on the appropriate Government (or such authority as may be specified by the appropriate Government by notification in the Official Gazette.*

17. **25-G. Procedure for retrenchment**— where any Workman in an industrial establishment, who is a citizen of India, is to be retrenched and he belongs to a particular category of workmen in that establishment, in the absence of any agreement between the employer and the Workman in this behalf, the employee shall ordinarily retrench the Workman who was the last person to be employed in that category, unless for reasons to be recorded the employer retrenches any other workman.

18. **25-H. Re-employment of retrenched workmen**— Where any workmen are retrenched, and the employer proposes to take into his employ any persons, he shall, in such manner as may be prescribed, give an opportunity to the retrenched workmen who are citizens of India to offer themselves for re-employment, and such retrenched workmen who offer themselves for re-employment shall have preference over other persons.

19. In the case in hand, the Workman was retrenched w.e.f. 11-02-2014. It is not in dispute that the Workman was in continuous service of the Employer from the date of his appointment till he

was retrenched from services. The Employer, vide its letter dated 07-04-2014 (Exb.19-colly) informed the Workman that they are unable to give him any light jobs in their factory and therefore decided to settle his account with them in full and final. The annexure to the said letter of the Employer at Exb.19-colly indicates that the Employer has calculated the legal dues of the Workman only to the extent of leave encashment and gratuity as Rs. 92,400/- and Rs. 2,28,462/- respectively. The evidence on record indicates that by its another letter dated 11-04-2014 (Exb.20), the Employer sent two cheques to the Workman for an amount of Rs. 92,400/- and Rs. 2,28,462/- towards his leave encashment and gratuity respectively. The evidence on record indicates that the Employer, vide its subsequent letter dated 21-04-2014 (Exb. 27-colly) addressed to the Workman, informed him that there appeared some mistakes, while calculating his legal dues, by pointing out that they were supposed to pay 15 days payment instead of seven days of every completed years of service and therefore they are issuing a separate cheque of Rs.1,27,600/- towards the retrenchment compensation as well as one months' pay in lieu of notice.

20. The aforesaid evidence on record clearly indicates that neither one months' notice was issued to the Workman nor paid one months' pay in lieu of notice as well as retrenchment compensation equivalent to 15 days average pay of every completed years of continuous service at the time of retrenchment of the Workman. The evidence on record indicates that at the time of termination of services of the Workman, there were eight workers working with the Employer, performing the similar nature of work of production of micro-nutrient fertilizers and out of which, three workers were appointed, subsequent to the appointment of the Workman under reference and three were joined on the same day of joining the date of employment of the Workman. The evidence on record indicates that the Employer employs workers on daily wage basis seasonally after retrenchment of the services of the Workman. The aforesaid facts on record indicates that neither the Employer has followed 'last come first go' principle nor prepared a seniority list in the category in which the Workman was working at the time of his retrenchment as required under Rule-77 of the Industrial Disputes (Central) Rules, 1957. Thus, the aforesaid evidence on record clearly indicates that the Employer has failed to comply with the provisions of sub-section (a), (b) and (c) of Sec. 25-F, Sec. 25-G and Sec. 25-H of the I.D. Act, 1947, while retrenching the services of the Workman.

21. In the case of **J.K. Synthetics Ltd. v/s. K.P. Agrawal and Anr., reported in (2007) 2 SCC 433**, the Hon'ble Supreme Court of India has held that *"as pre-conditions for valid retrenchment has not been satisfied, the termination of service is ab initio void, invalid and inoperative. He must, therefore, be deemed to be in continuous service. If the termination of service is ab initio void and inoperative, there is no question of granting reinstatement because there is no cessation of service and a mere declaration follows that he continues to be in service with all consequential benefits. Undoubtedly, in some decisions of this court such as Ruby General Insurance Co. Ltd., v/s. Chopra (P.P.) 1969 (3) SCC 653 and Hindustan Steels Ltd., v/s. A.K. Roy 1969 (3) SCC 513, it was held that the court before granting reinstatement must weigh all the facts and exercise discretion properly whether to grant reinstatement or to award compensation. But there is a catena of decisions which rule that where the termination is illegal especially where there is an ineffective order of retrenchment, there is neither termination nor cessation of service and a declaration follows that the Workman concerned continues to be in service with all consequential benefits. No case is made out for departure from this normally accepted approach of the courts in the field of social justice and we do not propose to depart in this case."*

22. Thus, now it is settled law that failure to comply with the provisions of Section 25-F of the I.D. Act, 1947, which laid down the pre-conditions for a valid retrenchment, the termination of service is ab initio void, invalid and inoperative. Applying the law laid down by the Hon'ble Apex Court, it is held that the retrenchment of the Workman by the Employer w.e.f. 11-02-2014 is ab initio void, invalid and inoperative for non-compliance of the provisions of sub-section (a), (b) and (c) of Sec. 25-F, Sec. 25-G and Sec. 25-H of the I.D. Act, 1947.

23. The evidence on record indicates that when the Workman had gone to report for his duties on 11-02-2014 along with his medical fitness certificate, he was not allowed to report for his duties by alleging that he was not fit to join his duties as he has requested for light job duties. The said justification given by the Employer does not appear to be satisfactory, in the absence of any proper investigation of the health conditions of the Workman through authorized qualified doctor. Hence, it held that the retrenchment of the Workman w.e.f. 11-02-2014 is not only illegal, but also unjustified. Hence, it is held that the Workman

proves that the action of the Employer in terminating his service w.e.f. 11-02-2014 is illegal and unjustified. It is further held that the Workman had requested for light duty jobs vide his letter dated 12-04-2014. It is further held that the Employer failed to prove that it has validly retrenched the services of the Workman w.e.f. 11-02-2014. The issue Nos. 1 and 2 are therefore answered in the affirmative and issue No. 3 is answered in the negative.

24. Issue No. 4:

While deciding the issue No. 1 hereinabove, I have come to the conclusion and held that the action of the Employer in terminating the services of the Workman w.e.f. 11-02-2014 is illegal and unjustified and that the said termination of services of the Workman w.e.f. 11-02-2014 amounts to illegal retrenchment.

25. In the case of **Deepali Gundu Surwase v/s. Kranti Junior Adhyapak Mahavidyalaya (D. ED.) and Ors., reported in (2013) 10 SCC 324**, the Hon'ble Apex Court has held that if the order of termination is void ab initio, the Workman is entitled to full back wages. The relevant para of the decision is extracted hereunder:

"22. The very idea of restoring an employee to the position which he held before dismissal or removal or termination of service implies that the employee will be put in the same position in which he would have been but for the illegal action taken by the employer. The injury suffered by a person, who is dismissed or removed or is otherwise terminated from service cannot easily be measured in terms of money. With the passing of an order which has the effect of severing the employer-employee relationship, the latter's source of income gets dried up. Not only the concerned employee, but his entire family suffers grave adversities. They are deprived of the source of sustenance. The children are deprived of nutritious food and all opportunities of education and advancement in life. At times, the family has to borrow from the relatives and other acquaintance to avoid starvation. These sufferings continue till the competent adjudicatory forum decides on the legality of the action taken by the employer. The reinstatement of such an employee, which is preceded by a finding of the competent judicial/quasi-judicial body or court that the action taken by the employer is ultra vires the relevant statutory provisions or the principles of natural justice, entitles the employee to claim

full back wages. If the employer wants to deny back wages to the employee or contest his entitlement to get consequential benefits, then it is for him/her to specifically plead and prove that during the intervening period the employee was gainfully employed and was getting the same emoluments. Denial of back wages to an employee, who has suffered due to an illegal act of the employer would amount to indirectly punishing the concerned employee and rewarding the employer by relieving him of the obligation to pay back wages including the emoluments."

The principle laid down by the Hon'ble Apex Court is well recognized and is also applicable to the case in hand.

26. In the case in hand, the oral evidence of the Workman on record indicates that he is unemployed since the date of termination of his service. The said oral evidence adduced by the Workman on record has not been denied by the Employer. Applying the law laid down by the Hon'ble Apex Court in its aforesaid decision, it is held that as the termination of service of the Workman, by way of retrenchment is illegal and unjustified, he is entitled for a declaration that the Workman continues to be in service along with full back wages, continuity in service and all other consequential benefits. The Workman is therefore ordered to be reinstated in the services of the Employer along with full back wages, continuity in service and all other consequential benefits.

In view of above, I proceed to pass the following order:

ORDER

1. It is held that the action of the management of M/s. Veronik Micronutrients Private Limited, Tuem, Pernem, Goa, in terminating the services of Shri Prakash Naik, Senior Production Worker, with effect from 11-02-2014, is illegal and unjustified.
2. It is ordered that the Workman, Shri Prakash Naik, Senior Production Worker, be reinstated in the service of the Employer along with full back wages, continuity in service and consequential benefits.
3. No order as to cost.

Inform the Government accordingly.

Sd/-
(Suresh N. Narulkar)
Presiding Officer
Labour Court-II

Addendum

No. 28/17/2016-LAB/773

Read: Government Order No. 28/17/2016-LAB/579 dated 27-07-2016.

In the Government order read in preamble, the addressee after serial No. 7, at serial No. 8 shall be inserted as "The Presiding Officer, Labour Court-II, 1st floor, EDC Complex, Patto-Plaza, Panaji, Goa, 403 001".

By order and in the name of the Governor of Goa.

Georgina Saldanha, Under Secretary (Labour).

Porvorim, 1st November, 2016.

Addendum

No. 28/15/2016-LAB/774

Read: Government Order No. 28/15/2016-LAB/436 dated 23-06-2016.

In the Government order read in preamble, the addressee after serial No. 8, at serial No. 9 shall be inserted as "The Presiding Officer, Labour Court-II, 1st floor, EDC Complex, Patto-Plaza, Panaji, Goa, 403 001".

By order and in the name of the Governor of Goa.

Georgina Saldanha, Under Secretary (Labour).

Porvorim, 1st November, 2016.

Department of Official Language

Directorate of Official Language

Corrigendum

No. 8/44/2015/DOL/Sch-Pub/Part/874

Read: Order No. 8/44/2015/DOL/Sch-Pub/Part/486 dated 2nd August, 2016.

Consequent upon the resignation tendered by Smt. Sushma Sonak, Member of Evaluation Committee under the scheme of publication, her name stands deleted from the above referred order. The Committee will continue with the rest of members.

The tenure of the committee shall be for the period of 3 years with immediate effect.

The rest of the contents in the said order dated 2nd August, 2016 shall remain the same.

By order and in the name of the Governor of Goa.

Dr. *Prakash Vazrikar*, Director & ex officio Joint Secretary (Official Language).

Panaji, 11th November, 2016.

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**Department of Panchayati Raj and
Community Development**

Directorate of Panchayats

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Read: Notice of Election and Public Notice

Form I

[See Rule 10(1)]

Notice is hereby given that:-

The elections will be held to elect the members of the below mentioned Village Panchayats on 18th December, 2016.

Sr. No.	Name of the Village Panchayat	Ward No.	Reserved for OBC/ST/Women
1.	V. P. Dramapur Sirlim, Salcete	III	Unreserved.
2.	V. P. Curdi, Sanguem	I	Unreserved.

Nominations may be delivered by a candidate to the Returning Officer in his office between such hours as to be fixed by the State Election Commission.

By order and in the name of the Governor of Goa.

P. S. Reddy, Secretary (Panchayats).

Panaji, 15th November, 2016.

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Department of Public Health

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Order

No. 44/100/2012-I/Part I/1852

On the recommendation of the Goa Public Service Commission conveyed vide their letter No. COM/11/12/24(1)/2010/292 dated 19-09-2016, Government is pleased to declare satisfactory completion of probation period of two years of following Public Health Dentists under Directorate of Health Services and also to confirm them against the said post with effect from the date of their

completion of probation period indicated against their names:

Sr. No.	Name of the Officer	Date of completion of probation period
1.	Dr. Lizette F. C. De Souza, Public Health Dentist	27-01-2001
2.	Dr. Shammi Shirodkar, Public Health Dentist	29-04-2003
3.	Dr. Vanita Pranay Kamat, Public Health Dentist	19-09-2004
4.	Dr. Wendy D'Mello, Public Health Dentist	17-04-2008
5.	Dr. Puja P. Acharya, Public Health Dentist	23-04-2008
6.	Dr. Manasvi Ganpat Alve @ Seema V. Pangam, Public Health Dentist	17-04-2008
7.	Dr. Shradha S. Naik Vaigankar, Public Health Dentist	17-04-2008

By order and in the name of the Governor of Goa.

Smita S. Hede, Under Secretary (Health-II)/Link. Porvorim, 31st October, 2016.

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Order

No. 4/3/2008-II/PHD/1421

Read: Memorandum No. 4/3/2008-II/PHD dated 12-10-2016.

On the recommendation of the Goa Public Service Commission as conveyed vide their letter No. COM/1/5/30(1)/90-08/Vol.I/285 dated 14-09-2016, Government is pleased to appoint Dr. Sanat Ramchandra Bhatkar to the post of Assistant Professor in the Department of Neurology (Group "A" Gazetted) in Goa Medical College, Bambolim on temporary basis in the Pay Band-3, Rs. 15,600-39,100+Grade Pay of Rs. 6,600/- with immediate effect and as per the terms and conditions contained in the memorandum cited above.

Dr. Sanat Ramchandra Bhatkar shall be on probation for a period of two years.

The appointment is made subject to the verification of his character and antecedents. In the event of any adverse remarks noticed by the Government on verification of his character and antecedents, his services will be terminated. He has been declared medically fit by the Medical Board.

The above appointment is made against the vacancy occurred due to resignation of Dr. Krishe Menezes w.e.f. 05-06-2003 which is subsequently revived vide Order No. 4/22/2009-II/PHD (PF) dated 12-05-2015.

By order and in the name of the Governor of Goa.

Smita Hede, Under Secretary (Health).

Porvorim, 1st November, 2016.

Order

No. 4/11/2011-II/PHD/1432

Read: Memorandum No. 4/11/2011-II/PHD dated 18-10-2016.

On the recommendation of the Goa Public Service Commission as conveyed vide their letter No. COM/I/5/30(14)/2011/287 dated 14-09-2016, Government is pleased to appoint Dr. Roma Subhash Varik to the post of Associate Professor in Paediatric Surgery (Group "A", Gazetted) in Goa Medical College & Hospital, Bambolim-Goa on temporary basis in the Pay Band-3, Rs. 15,600-39,100+Grade Pay of Rs. 6,600/- with immediate effect and as per the terms and conditions contained in the memorandum cited above.

Dr. Roma Subhash Varik shall be on probation for a period of two years.

Dr. Roma Subhash Varik has been declared medically fit by the Medical Board and her character and antecedents have been verified by the Addl. District Magistrate South Goa District, Margao-Goa at the time of appointment as Assistant Professor in Paediatric Surgery in Goa Medical College.

The appointment is made against the vacancy occurred due to creation of one post vide Order No. 4/4/2010-II/PHD dated 04-08-2011, subsequently revived vide Order No. 4/22/2009-II/PHD(PF) dated 30-05-2016.

By order and in the name of the Governor of Goa.

Smita Hede, Under Secretary (Health).

Porvorim, 7th November, 2016.

Order

No. 24/3/2013-I/PHD/1889

Government of Goa is pleased to constitute Committee to assess the Ayurveda College existing

in the private section in the State of Goa composing of the following members.

1. Dr. Sanjeev G. Dalvi	Director, Directorate of Health Service	Chairperson.
2. Dr. Minal Joshi (BAMS)	Ayurvedic Physician	Member.
3. Dr. Sameer Sadekar	Ayurvedic Physician	Member Secretary.
4. Chairman or his representative	Goa Board of Indian System of Medicine & Homoeopathy	Member.

The committee shall verify below given aspects/points for respective college and will submit the report to Government of India.

- Hospital is functional or non-functional.
- Attendance of patients in respective OPDS of the hospital.
- Number of beds & bed occupancy in respective IPDs of the Hospital.
- Status of medicine dispensing in the OPD/IPD of the hospital.
- Availability of Medicinal, para Medicinal and supporting staff in the hospital.
- Hospital building & equipment/instruments in hospital.
- Building & infrastructure of the college and equipment/instrument in the college.
- Availability of teaching, non-teaching and supporting staffs in the college.
- Any other information/observation/finding of the Committee.

By order and in the name of the Governor of Goa.

Smita Hede, Under Secretary (Health-II/Link)

Porvorim, 8th November, 2016.

Department of Revenue

Order

No. 9/2/2016-RD/3353

Ex post facto approval of Government is hereby conveyed to sanction 19 days Earned leave to Smt. Maya K. Amonkar, Inspector of Survey & Land Records, City Survey, Panaji, w.e.f. 24-10-2016 to

11-11-2016 on personal ground and to prefix 22-10-2016 to 23-10-2016 and to suffix 12-11-2016 to 13-11-2016, being Saturdays and Sundays.

Further, Shri Rajesh R. Pai Kuchelkar, Assistant Surveyor and Settlement Officer, Panaji shall hold additional charge of Inspector of Survey & Land Records, City Survey Panaji and Record of Rights (North) in addition to his own duties during the leave period of Smt. Maya K. Amonkar, Inspector of Survey & Land Records. Similarly, Shri Savio C. Silveria, Inspector of Survey & Land Records, Margao shall hold additional charge of Inspector of Survey & Land Records, Vasco in addition to his own duty, during the leave period of Smt. Maya K. Amonkar, Inspector of Survey & Land Records.

Certified that Smt. Maya K. Amonkar, Inspector of Survey & Land Records, City Survey, Panaji, would have continued to officiate in the same post but for her proceeding on leave.

On return from leave, she shall report to the same office from which she proceeded on leave.

The Officials shall hold the respective charge, with immediate effect, until further orders.

By order and in the name of the Governor of Goa.

Ashutosh Apte, Under Secretary (Revenue-I).

Porvorim, 7th November, 2016.

Department of Tourism

Order

No. 1/2(44)/2016-DT/2135

On recommendation of the Goa Public Service Commission vide letter No. COM/1/5/48(1)/2016/263 dated 22-08-2016, Shri Dhiraj Ramchandra Vagle is hereby temporarily appointed as Assistant Director of Tourism against vacancy caused due to promotion of Shri Jose Roque Gracias Flor on an initial Pay Band of Rs. 9,300-34,800+G.P. Rs. 4,600/- plus usual allowances as admissible under rule with effect from date of his joining. Shri Vagle is posted at South Zone Office, Department of Tourism, Mathany Saldanha Administrative Complex, Margao-Goa.

Shri Dhiraj Ramchandra Vagle shall be on probation for a period of two years.

His pay and allowances shall be debited to the Budget Head: 3452—Tourism; 01—Tourist Infrastructure; 001—Direction and Administration; 01—Directorate of Tourism (N. P.); 01—Salaries.

By order and in the name of the Governor of Goa.

Sanjeev C. G. Dessai, Director & ex officio Joint Secretary (Tourism).

Panaji, 9th November, 2016.

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Published and Printed by the Director, Printing & Stationery,
Government Printing Press,
Mahatma Gandhi Road, Panaji-Goa 403 001.

PRICE—Rs. 22.00

PRINTED AT THE GOVERNMENT PRINTING PRESS, PANAJI-GOA-229/350-11/2016.